

**United States Department of the Interior
Bureau of Land Management**

**Decision Record
Environmental Assessment
DOI-BLM-CO-S010-2014-0005**

November, 2014

Summit Reservoir Fuels Management Project

Location: Montezuma County, CO, Township 36 N, Range 14 W, Section 3

Applicant/Address: Tres Rios Field Office, 29211 Highway 184, Dolores, CO, 81323

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DECISION:

I have reviewed the Environmental Assessment (DOI-BLM-CO-S010-2014-0005)(EA) and have prepared a Finding of No Significant Impact (FONSI, October, 2014). After review of those documents, it is my decision to implement the Proposed Action and design features (Selected Alternative) as described in the EA, and to begin hazardous fuels reduction within the identified units.

Authorities: The authority for this decision is contained in: Federal Land Policy and Management Act (FLPMA) of 1976 (43 USC 1701 et seq); Public Rangelands Improvement Act of 1978 (Public Law 95-514) Section 14 (b); Title 43 Code of Federal Regulations; a) Sections 4120.3-1-Conditions for Range Improvement; b) Section 4180.1- Fundamentals of Rangeland Health; c) Section 4190.1 Effects of Wildfire Management Decisions; and d) Section 5003.1(b) – Forest Wildfire Management.

Compliance and Monitoring: The BLM will implement pre-treatment monitoring for the presence of invasive species. This monitoring is required prior to any prescribed fire, and again within one year post-treatment. The prescribed fire burn boss will comply with the ‘Standards and Conditions’ of the Smoke Permit issued by the Air Pollution Control Division of the Colorado Environmental Health Department.

During implementation of prescribed fire activities, the burn boss or appointee would monitor weather, smoke, fire behavior, and first order fire effects to ensure that objectives are being met.

Terms / Conditions / Stipulations: The proposed action will be in accordance with the following:

1. Air Quality

- The Burn Boss would consider smoke effects to public safety, including roads, airports, health care facilities, and schools, in addition to Class I airsheds.
- The Burn Boss would consider effects to viewsheds, particularly if effects could occur over multiple consecutive days.
- A smoke permit would be obtained from the State of Colorado, Air Pollution Control Division; the smoke permit would identify standards and conditions under which the burn could be implemented.

2. Noxious Weeds

- Treatment areas would be inventoried for noxious weeds prior to treatment. If noxious weeds are present weed treatment may occur prior to fuels treatment activities and in subsequent years as needed based on treatment effectiveness monitoring.
- In areas where noxious weed control measures are completed, effectiveness monitoring by BLM weed specialists would occur following treatments.

- In areas where noxious weed populations were not present at the time of the prescribed fire treatments, monitoring would be completed during the growing season following the treatment to ensure that no new populations of noxious weeds become established.
- Areas of ground disturbance associated with control lines would be re-habilitated and seeded if necessary following completion of treatment activities.

3. Recreation

- Treatment units would be designed to minimize visual contrasts and mimic natural processes.
- Along BLM/State/private boundaries, shaded fuel breaks would have scalloped edges and avoid straight lines where practicable.
- Fire control lines would be restored to a natural appearance in areas within view of roads, trails, or residential home sites. Rehabilitation work would be accomplished within 3 years of completion of project.
- Design of thinning units should avoid visual uniformity as viewed from roads, trails and residential home sites.
- In sensitive foreground areas (as viewed from roads, trails and/or residential home sites), unit boundaries and tree marking should be accomplished with temporary flagging and would be removed once need is fulfilled.
- As early as practicable prior to treatments during the fall hunting season, notices and maps of affected areas would be posted to provide hunters with advance notice of planned treatments

4. Wildlife

Migratory Birds

- In order to minimize take of migratory birds no vegetation removal would be allowed (mechanical or prescribed fire) May 1 through July 15 for treatments over 100 acres in size. BLM policy established through BLM IM 2008-050 and BLM MOU WO-230-2010-04 states the BLM will take measures to minimize take of migratory birds.

Eagles and raptors

- No surface disturbing activity would occur from February 1 through July 31, annually, prior to a raptor nest occupancy survey for the current breeding season.
- If a raptor nest is identified, a species specific buffer would be put in place for the breeding season.
- If raptor nest is identified, the nest tree would be excluded from vegetation removal.
- If a raptor nest or roost site is discovered within the project area at any time, a BLM wildlife biologist would be contacted immediately and notified of the location.

Great Blue Heron

- No surface disturbing activity would occur prior to a great blue heron breeding survey to protect nesting great blue herons.
- If a heron nest, colony or roost is identified, a ¼ mile no action buffer would be put in place from March 15 – July 31.
- If a heron nest, colony or roost is identified, the tree would be excluded from vegetation removal.
- If a heron nest, colony or roost site is discovered within the project area at any time, a BLM wildlife biologist would be contacted immediately and notified of the location.

5. Cultural Resources

- If cultural materials are found, the field office archaeologist would be notified immediately and any ground disturbing activities would cease until further direction is given by the archaeologist.
- In order to avoid impacts to surface sites, any machinery would not operate in wet conditions that would produce ruts of over 3” deep or 10 feet long.
- Any skid trails created by the proposed action would be rehabilitated after treatment is completed, to include pulling berms in and reseeding as necessary.

6. Fuels and Fire Management

- During implementation of prescribed fire activities, the burn boss or appointee would monitor weather, smoke, fire behavior, and first order fire effects to ensure that objectives are being met.

PLAN CONFORMANCE AND CONSISTENCY:

The proposed action and alternatives have been reviewed and found to be in conformance with one or more of the following BLM Land Use Plans and the associated decision(s):

The proposed action is subject to and has been reviewed for conformance with the following plan (43 CFR 1610.5, BLM 1617.3):

Name of Plan: San Juan/San Miguel Resource Management Plan (RMP).

Date Approved: September 5, 1985, amended (1991)

Language/Page: The proposed action is consistent with the terms and goals of the following; livestock grazing management (page 5-6), timber management (page 21-22), managing habitats to provide forage for wildlife (page 12).

In regards to Fire Management, general guidance in the RMP states, “Provide level of protection from wildfire that will result in least total cost and will generally enhance range management values. Use prescribed fire to enhance forage production” (Page 28). With regards to hazardous fuels reduction and prescribed fires the RMP states, “Provide a level of protection from wildfire that will result in a least total cost and will enhance forest resources. Use prescribed fire when possible to enhance forest management objectives” (Page 54). A Red book amendment to this RMP was issued in 1997 authorizing the use of prescribed fire.

Alternatives Considered: The EA considered the Proposed Action and No Action Alternative. The No Action Alternative would not meet the purpose and need for action. No other alternatives were needed to address any unresolved resource conflicts.

Rationale for Decision:: Implementation of the Proposed Action will meet the purpose and need for action as described in the EA. The purpose and need is established by the BLM's responsibility under the Federal Land Policy and Management Act of 1976 (43 USC 1701 et seq.), as well as the Healthy Forests Restoration Act of 2003 (16 USC 6501 et seq.). The action conforms to the existing land use plan as described above. The project was listed on the BLM NEPA log in November, 2013, notifying the public of the scoping period. In addition, residents within one mile of the project area, interested parties, government agencies, and potentially affected Native American Tribes were sent letters or otherwise notified seeking comments. During the scoping period, eleven comments were received, all of which were in support of the proposed action or seeking clarification on it.


Protest/Appeal Language: **Protest/Appeal Language:** This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the Form 1842-1. If an appeal is taken, your notice of appeal must be filed with the authorized officer, Connie Clementson, Field Manager, Tres Rios Field Office, 29211 HWY 184, Dolores, CO 81323 within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulation 43 CFR 2801.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.



Connie Clementson
Field Manager
Tres Rios Field Office

12-3-14

Date

